

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE
PROCEEDINGS

RE: RACHELLE FRASIER, RN

License No. R050044

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**AGREED UPON DISPOSITION FOR
PROBATION AND WAIVER OF
HEARING**

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WHEREAS, Rachelle Frasier, RN ("Licensee"), is licensed as a Registered Nurse in the State of South Dakota and holds license number R050044;

WHEREAS, the South Dakota Board of Nursing ("Board") received a complaint alleging Licensee engaged in conduct, including but not limited to the following, all of which conduct would amount to violations of SDCL § 36-9-49(5) and (10): substandard documentation of resident falls and other incidents; failure to ensure residents under her care received necessary care, including assistance for their basic activities of daily living; substandard infection prevention and control programs; substandard safety controls related to residents' access to come and go from the facility; substandard level of staffing needed to provide residents basic care; substandard plan of care for residents; substandard COVID care, including testing, reporting, and isolation; fraudulent misrepresentation to residents' family members; substandard or falsified TB testing and documentation; and, ultimately, substandard care and unsafe nursing practice of assuming a position and responsibility for which Licensee did not have adequate training or experience;

WHEREAS, based on the information provided to the Board, the Board has determined that clear and convincing evidence exists showing Licensee violated either SDCL § 36-9-49(5) or (10);

WHEREAS, the Board has a statutory obligation to protect the public health, safety and welfare set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practices and practitioners;

WHEREAS, without admitting to the allegations against her, Licensee agrees that the allegations against her and the matters under investigation would be of a nature that would constitute grounds for discipline of her license in South Dakota;

WHEREAS, it is the intent of this agreement to provide for a disposition of the licensing issues presented by the Licensee's conduct, in a professional manner, without the necessity of further hearings and proceedings herein, and to provide for a responsible resolution through this Agreed Upon Disposition for Probation and Waiver of Hearing;

WHEREAS, per the Nurse Licensure Compact Regulations, the Licensee understands that a licensee placed on Probation will be granted a single-state license only;

WHEREAS, the Licensee understands that compliance with the terms of this Probation is mandatory in order to maintain a single-state license in South Dakota; and

WHEREAS, Licensee agrees and understands that any failure to comply with any aspect of the Probation terms will be reported to the Board for further action, including potential disciplinary action, as deemed appropriate by the Board.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. The Board has jurisdiction over the person of the Licensee and the subject matter of this Agreed Upon Disposition for Probation and Waiver of Hearing.

2. The Board received a complaint alleging Licensee violated SDCL § 36-9-49(5) and (10), as set forth above and, in response to the complaint, Licensee agrees to the terms of this Agreed Upon Disposition for Probation.

3. Licensee has been given an opportunity to discuss this Agreed Upon Disposition with an attorney of Licensee's choice, and is aware of her right to a hearing in this matter, and of her rights under the United States and South Dakota Constitutions, laws, rules and/or regulations. Licensee hereby voluntarily waives all such rights to a hearing, notice, appearance, or any other rights under said Constitutions, laws, rules and/or regulations. Licensee also agrees that the Board's Executive Director or her designee may present this Agreed Upon Disposition to the Board and disclose to the Board all items of her investigation, including, but not limited to, any communications with Licensee.

4. The Licensee acknowledges and understands that, should Licensee violate any provision of Licensee's Probation, the Board will be notified and the Licensee will be subject to discipline and reporting as determined by the Board as applicable at that time.

5. From the date this Agreed Upon Disposition is approved by the Board, Licensee's license to practice nursing will be placed upon probationary status.

6. The probationary terms and conditions set by the Board in this Agreed Upon Disposition shall be completely followed by the Licensee.

7. Licensee shall comply with the following conditions during Licensee's probation:

CONDITIONS

- A. Licensee may only practice under the direct, personal supervision of a licensed registered nurse.
- B. Licensee may not work in home health care or any role that does not include direct supervision over Licensee's practice.
- C. Licensee must maintain successful employment as a Registered Nurse with no identified practice concerns for a minimum of two years for successful completion of probation.
- D. Licensee must request closure of probation from the Board before probation is concluded. Licensee may not request closure until two years of active employment as a Registered Nurse with no identified practice concerns.
- E. Licensee will only have a single-state South Dakota license during her probation and may not practice in any state except South Dakota.
- F. Licensee will identify a worksite liaison for any current employment and prior to beginning any new employment, including orientation. This liaison must be a person in a leadership position who has regular contact with Licensee. The liaison must be approved by the South Dakota Board of Nursing through its investigative committee.
- G. Licensee shall have a work site liaison identified and reported to the Board at each place of practice.

- H. The worksite liaison must submit Work Quality Assessment reports to the Board's investigative committee on a monthly basis for six consecutive months and, if there are no negative reports throughout the six month term, on a quarterly basis thereafter and through the remaining probationary period.
- I. Licensee must also submit self-reports to the Board's investigative committee on a monthly basis for six consecutive months and, if there are no negative reports throughout the six month term, on a quarterly basis thereafter and through the remaining probationary period.
- J. Licensee must complete the following remediation course within thirty days of the entry of the Probation Order: Critical Thinking and Health Care Ethics, available at <https://cecourses.org/>, and Licensee must provide documentation of successful completion to the Board's investigative committee.
- K. Licensee must notify the Board's investigative committee, in writing, within one (1) week of any change in nursing employment, personal address, and/or telephone number.
- L. Notwithstanding anything in this Agreed Upon Disposition to the contrary, should the Licensee be convicted of a felony, which would be grounds for discipline under SDCL § 36-9-49, either relating to the allegations which led to this probation or to any other actions or omissions of the Licensee, the Licensee agrees that the Board may take further action against Licensee's license, including, but not limited to immediate suspension.

M. During the term of this probation, Licensee is to immediately inform the Board of the outcome of any criminal charges presently or hereafter pending against the Licensee, and whether the Licensee has been convicted, pled no contest, nolo contendere, pled guilty to or been granted a deferred judgment or adjudication, suspended imposition of sentence with respect to a felony, misdemeanor or petty offense, other than minor traffic violations, that have not previously been reported to the Board.

8. If Licensee violates any terms of this probation, the Licensee agrees that the Board may take such actions against Licensee's license as the Board deems necessary, up to and including an immediate suspension, additional probation terms, revocation or other disciplinary action.

9. If Licensee obtains a license issued solely or under joint regulatory powers by the Board, other than the license to which this Agreed Upon Disposition refers, at any time during the period of the probation, the terms of this probation shall apply to the other or additional license(s) issued by the Board.

10. Licensee shall not violate any law or regulation regarding the practice of nursing.

11. Pursuant to the Nurse Licensure Compact uniform licensure requirements, this Probation will limit Licensee to a single-state license.

12. This probation also affects Licensee's privilege to practice in South Dakota should Licensee change Licensee's home state under the Nurse Licensure Compact and Licensee's practice privilege is subject to the same requirement set forth in this Probation as Licensee's South Dakota license.

NOW, THEREFORE, the foregoing Agreed Upon Disposition for Probation and Waiver of Hearing is respectfully submitted to the Board with the request that the Board adopt its terms as an Order of the Board in the above matter. In the event the Board, in its discretion, does not approve this agreed upon disposition or a lesser remedy than indicated in this agreed upon disposition, this agreed upon disposition is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party. Licensee agrees that if the Board rejects this agreed upon disposition and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this agreed upon disposition or any of the records or information relating hereto.

Dated this 10 day of November, 2021.



Rachelle Frasier, Licensee

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RE: RACHELLE FRASIER, RN

License No. R050044


PROBATION ORDER

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IT IS HEREBY ORDERED that the South Dakota Board of Nursing accepts, adopts, and incorporates Licensee's Agreed upon Disposition for Probation into this Probation Order by reference, the same as if all such terms were set forth herein.

Dated this 16th day of November, 2021.

SOUTH DAKOTA BOARD OF NURSING


Linda Young, RN, MS, FRE
Executive Director